

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN



PERCY SHAW and GENEVA DAVIS,
as Co-Personal Representatives of the Estate of
Porsha Shaw, deceased; PERCY SHAW, individually;
and ANGELA SMITH, as Personal Representative of
the Estate of Broderick Green, deceased,

Case No. 1:08-cv-401
Honorable Janet T. Neff

Plaintiffs,

v

LONDON CARRIER INC, a foreign corporation;
LARRY T. SHAW; and FIRST CHOICE CARRIER,
a business entity; jointly and severally,

Defendants.

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Aaron D. Wiseley (P60464)
Holmes & Wiseley PC
Attorneys for Defendants London Carrier
Inc and Larry T. Shaw
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**PLAINTIFFS PERCY SHAW AND GENEVA DAVIS', AS CO-PERSONAL
REPRESENTATIVES OF THE ESTATE OF PORSHA SHAW, DECEASED, SECOND
AMENDED MOTION FOR APPROVAL OF SETTLEMENT, COSTS, AND
ATTORNEY FEES AND DISTRIBUTION OF SETTLEMENT PROCEEDS**

NOW COME Plaintiffs Percy Shaw and Geneva Davis, as Co-Personal Representatives of the Estate of Porsha Shaw, deceased, by and through their attorneys, and, pursuant to MCLA 600.2922, moves this honorable Court to approve settlement and distribute proceeds of the settlement. As a term and condition of the settlement, confidentiality of the settlement's terms was required. The confidential terms of the settlement are as follows:

1. The subject matter of this case involves three fatalities—Porsha Shaw, Broderick Green, and Dorothy Lewis—who died in a tragic automobile/trucking accident on October 15, 2007.
2. Percy Shaw and Geneva Davis are the Co-Personal Representatives of the Estate of Porsha Shaw.
3. There is a case pending in Wayne County Circuit Court, case number 08-113833-NI, in which Angela Smith, as Personal Representative of the Estate of Broderick Green, is defendant and counter-plaintiff, and Percy Shaw, individually, is a defendant and counter-plaintiff. In addition, plaintiff Cheryl Lewis, individually and as Personal Representative of the Estate of Dorothy Lewis, sued London Carrier Inc, Larry T. Shaw, and First Choice Carrier Inc, Percy Shaw Jr. individually, and the Estate of Broderick Green.
4. A joint facilitation in both the Wayne County case and Federal case was held on July 23, 2010 for both cases, and both cases ultimately settled for a confidential amount (\$2,000,000.00 Canadian) to be divided equally as to the Estate of Porsha Shaw, the Estate of Broderick Green, and the Estate of Dorothy Mae Lewis. Please see the Facilitation Agreement from the facilitation attached as **Exhibit 1**.
5. Percy Shaw and Geneva Davis, as the Co-Personal Representatives of the Estate of Porsha Shaw, ask that this Court approve the settlement, in the total amount of

\$666,666.66 Canadian / \$638,913.50 U.S., as to the Estate of Porsha Shaw for the reason that it is in the best interest of the Estate of Porsha Shaw.

6. The Co-Personal Representatives for the Estate of Porsha Shaw hereby request that this Court enter an order approving disbursement of the settlement proceeds as to the Estate of Porsha Shaw as follows:

- a. \$65,373.00 U.S. to Fieger Fieger Kenney Johnson & Giroux PC, said sum representing reimbursement for attorney costs expended in prosecuting this case;
- b. \$189,613.33 U.S. to Fieger Fieger Kenney Johnson & Giroux PC, said sum representing attorney fees payable pursuant to the contingency fee agreement between Fieger Fieger Kenney & Johnson PC, Gruel Mills Nims & Pylman LLP, and Plaintiffs;
- c. \$3,500.00 U.S. to Howard T. Linden, Esq. for probate attorney fees for the Estate of Porsha Shaw; and
- d. \$1,200.00 U.S. to James McCann for guardian ad litem fees.

7. Distribution of net proceeds herein, after deduction of the above cited costs, attorney fees, and liens as to the **Estate of Porsha Shaw, deceased**:

- a. Geneva Davis (mother of deceased)
 - i. Cash Payment: \$67,787.17 U.S.
- b. Percy Shaw (father of deceased)
 - ii. Cash Payment: \$10,000.00 U.S.
- c. D’Vion Davis (son of deceased: age 6)
 - iii. Cash Payment: \$150,000.00 U.S.

At the time of settlement, \$4,500 U.S. cash payment for the calendar year 2010.

Balance of said funds, \$145,500.00 U.S., to purchase a structured settlement annuity, which will be paid as follows:

Monthly payments of \$300.00 beginning January 1, 2011 to continue

until D’Vion turns age 18. In addition, there will be annual payments beginning at 18, 19, 20, and 21 to pay for college education. There will be additional payments at age 25, 30, and 35. Specific dollar amounts set forth in **Exhibit 2**.

d. S’Miya N. Shaw (daughter of deceased)

iv. Cash Payment: \$150,000.00 U.S.

Balance of said funds, \$150,000.00 U.S., to purchase a structured settlement annuity, which will be paid as follows:

Future cash payments at age 30 and 35. Specific dollar amounts set forth in **Exhibit 2**.

e. Dolly L. Willis (half sister of deceased)

v. Cash Payment: \$0

f. Shontea L. Williams (half sister of deceased)

vi. Cash Payment: \$0

g. Yamanda C. Aron (sister of deceased)

vii. Cash Payment: \$480.00 U.S.

h. Derek T. Aron (brother of deceased)

viii. Cash Payment: \$480.00 U.S.

i. Percy D. Shaw (brother of deceased)

ix. Cash Payment: \$480.00 U.S.

j. Melvin Shaw (half brother of deceased)

x. Cash Payment: \$0

8. Plaintiffs also request that this Court award no monies to the Estate of Porsha Shaw on account of conscious pain and suffering of decedent.

9. The reasonable medical, funeral, and burial expenses of decedent have been paid.

10. The Co-Personal Representatives have not been contacted by any other parties and

know of no other persons that suffered damages as a result of decedent's death and further have given notice as required by statute.

WHEREFORE Plaintiffs respectfully request that this honorable Court grant Plaintiffs' Motion for Approval of Settlement, Costs, and Attorney Fees and Distribution of Settlement Proceeds on behalf of the Estate of Porsha Shaw, deceased, and enter an appropriate order (proposed orders attached at **Exhibit 3**).

Dated: October 1, 2010

GRUEL MILLS NIMS & PYLMAN LLP
Attorneys for Plaintiffs

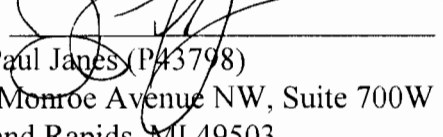
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